AO 440 (Rev 5/85) Summons in a Civil Action

United States District Court

SOUTHERN DISTRICT OF CALIFORNIA

Esau Rogers

vs

S Rivas, E Stein, Jack Batchelor, Alan Hernandez, D Degues, J M Soulcup, Victor M Almager

SUMMONS IN A CIVIL ACTION

Case No. 07cv2010 W (JMA)

TO: (Name and Address of Defendant)

YOU ARE HEREBY SUMMONED and required to file with the Clerk of this Court and serve upon PLAINTIFF'S ATTORNEY

Esau Rogers P54800
Centinela State Prison
PO Box 931
Imperial, CA 92251

An answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

W. Samuel Hamrick, Jr.
Clerk of Court

March 11, 2008
DATE

A. Everill SEAL
By, Deputy Clerk

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RETURN OF SERVICE	
Service of the Summons and Complaint was made by me	DATE
NAME OF SERVER	TITLE

Check one box below to indicate appropriate method of service

☐ Served personally upon the defendant. Place where served: ______

☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein:

Name of person with whom the summons and complaint were ______

☐ Return unexecuted: ______

☐ Other (specify): ______

STATEMENT OF SERVICE FEES				
TRAVEL		SERVICES	TOTAL	

DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service Fees is true and correct.

Executed on: ______ ______

Date Signature of Server

______

Address of Server

NOTICE OF RIGHT TO CONSENT TO TRIAL BY A UNITED STATES MAGISTRATE

IN ACCORDANCE WITH THE PROVISION OF 28 USC 636(C) YOU ARE HEREBY NOTIFIED THAT A U.S. MAGISTRATE OF THIS DISTRICT MAY, UPON CONSENT OF ALL PARTIES ON FORM 1A AVAILABLE IN THE CLERK'S OFFICE, CONDUCT ANY OF ALL PROCEEDINGS, INCLUDING A JURY OR NON-JURY TRIAL, AND ORDER THE ENTRY OF A FINAL JUDGMENT. COUNSEL FOR THE PLAINTIFF HAS RECEIVED A CONSENT FORM.

YOU SHOULD BE AWARE THAT YOUR DECISION TO CONSENT OR NOT CONSENT IS ENTIRELY VOLUNTARY AND SHOULD BE COMMUNICATED SOLELY TO THE CLERK OF COURT. ONLY IF ALL PARTIES CONSENT WILL THE JUDGE OR MAGISTRATE TO WHOM THE CASE HAS BEEN ASSIGNED BE INFORMED OF YOUR DECISION.

JUDGEMENTS OF THE U.S. MAGISTRATES ARE APPEALABLE TO THE U.S. COURT OF APPEALS IN ACCORDANCE WITH THIS STATUTE AND THE FEDERAL RULES OF APPELLATE PROCEDURE UNLESS THE PARTIES AT THE TIME OF THEIR CONSENT TO TRIAL BEFORE A MAGISTRATE AGREE UPON REVIEW BY THE UNITED STATES DISTRICT COURT.

1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure